

REMARKS

This is a full and timely response to the final Official Action mailed **June 27, 2008** (the “Office Action” or “Action”). Reconsideration of the application in light of the above amendments and the following remarks is respectfully requested.

Claim Status:

No amendments to the claims are proposed by the present paper. Thus, claims 1-62 are currently pending for further action.

Prior Art:

Claims 1-16, 18-32, 34-45 and 47-61 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent App. Pub. No. 2004/0252243 to Stewart (“Stewart”). For at least the following reasons, this rejection should be reconsidered and withdrawn.

Claim 1:

Claim 1 recites:

A system for controlling an exterior television antenna comprising:
an amplifier circuit mounted on a building exterior with said exterior television antenna and connected to said television antenna; and
a control line extending into an interior of said building, said control line being connected to said amplifier circuit for controlling a gain of said amplifier circuit.

(Emphasis added).

Thus, claim 1 calls for “an amplifier circuit mounted on a building exterior with said exterior television antenna.” This amplifier circuit is has a variable gain that is controlled with “a control line extending into an interior of said building.” In contrast, Stewart fails to teach or suggest this subject matter.

Stewart teaches an antenna array (12) mounted outside a structure (18). Stewart further teaches a television signal processor (TSP) (14) that receives the signal from the antenna array (12). As shown in Fig. 7 of Stewart, the TSP (14) includes a plurality of tuners (52), each extracting a specific signal from the signal received from the antenna array (12). Each tuned signal is converted to a digital signal using an A/D converter (56). Then, the digital signals are individually conditioned *digitally* with phase and gain adjustment processing (60).

However, Stewart does not ever teach or suggest the claimed “control line extending into an interior of said building, said control line being connected to said amplifier circuit for controlling a gain of said amplifier circuit.” In this regard, the final Action cites Stewart at paragraph 0049, Fig. 1 (element 18) and Figs. 6-8 (element 70). Paragraph 0049 of Stewart describes the TSP (14) but does not mention, teach or suggest a control line that controls the gain of an amplifier circuit.

Paragraph 0049 does state that the “TSP 14 is in communication with distribution area 18 via a conductor 70, operative to carrying [sic] multiple television signals and communication signals, such as coaxial (coax) cable.” (Stewart, paragraph 0049). There is no teach or suggestion in Stewart that the coax cable (70) is used to control the gain of an amplifier circuit as is the claimed control line of claim 1.

“A claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). See M.P.E.P. § 2131. As demonstrated above, Stewart fails to teach or suggest the claimed control line extending into an interior of said building, said control line being connected to said amplifier circuit for controlling a gain of said amplifier circuit.

Consequently, the rejection based on Stewart of claim 1 and its dependent claims should be reconsidered and withdrawn.

Claim 18:

Claim 18 recites:

A method for controlling an exterior television antenna comprising:
selectively amplifying a signal from said television antenna with an amplifier circuit mounted on a building exterior with said exterior television antenna; and
a control line extending into an interior of said building, said control line being connected to said amplifier circuit for controlling a gain of said amplifier circuit.

(Emphasis added).

In contrast, as demonstrated above, Stewart does not teach or suggest a method that includes selectively amplifying a signal from a television antenna with an amplifier circuit mounted on a building exterior with the antenna *with a control line extending into an interior of the building for controlling the gain of the amplifier circuit.*

Again, “a claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). See M.P.E.P. § 2131. As demonstrated above, Stewart fails to teach or suggest the claimed control line extending into an interior of said building, said control line being connected to said amplifier circuit for controlling a gain of said amplifier circuit.

Consequently,

the rejection based on Stewart of claim 18 and its dependent claims should be reconsidered and withdrawn.

Claim 34:

Claim 34 recites:

A system for controlling an exterior television antenna comprising:
amplifying means for selectively amplifying a signal from said television antenna, said amplifying means being mounted on a building exterior with said exterior television antenna; and
control means for controlling a gain of said amplifying means, said control means comprising a receiving device inside said building.

(Emphasis added).

In contrast, as demonstrated above, Stewart does not teach or suggest a system that includes amplifying means for selectively amplifying a signal from a television antenna mounted on a building exterior with the exterior television antenna, where a gain of the amplifying means is controlled by a control means comprising a receiving device inside the building. Stewart never teaches or suggests a receiving device inside the building that is part of the means for controlling the gain of amplifying means mounted on the building exterior.

Again, “a claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). See M.P.E.P. § 2131. Therefore, for at least the reasons explained here, the rejection based on Stewart of claim 34 and its dependent claims should be reconsidered and withdrawn.

Claim 47:

Claim 47 recites:

A system for controlling a television antenna comprising:
an amplifier circuit mounted with said television antenna and connected to said television antenna, wherein said television antenna is connected to, but located away from, a receiving device; and

a control line connected to said amplifier circuit for controlling a gain of said amplifier circuit based on a channel being tuned by said receiving device.
(Emphasis added).

In contrast, as demonstrated above, Stewart does not teach or suggest a system that includes an amplifier circuit mounted with a television antenna the gain of which is controlled “based on a channel being tuned by said receiving device.” The final Office Action fails to individually address claim 47 (Action, p. 8) and never indicates how or where Stewart teaches the claimed control line which controls the gain based on the channel being tuned by the receiving device, e.g., a television.

Again, “a claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). See M.P.E.P. § 2131. Therefore, for at least the reasons explained here, the rejection based on Stewart of claim 47 and its dependent claims should be reconsidered and withdrawn.

Additionally, various dependent claims of the application recite subject matter that is further patentable over the cited prior art. Specific, non-exclusive examples follow.

Claim 3:

Claim 3 recites “wherein said television outputs said control signal based on a channel being tuned by said television.” Claim 5 recites similar subject matter. It is important to note that the control signal recited specifically controls the *gain* of an amplifier circuit. (Claim 1).

In this regard, the final Office Action cites Stewart at paragraph 0027. (Action, p. 4).

However, this portion of Stewart does not teach, suggest or even mention a control signal that

controls the gain of an amplifier circuit being “based on a channel being tuned by [a] television.” Stewart teaches absolutely no connection between the gain of an amplifier circuit and a particular channel being tuned by a television or other receiving device.

Claim 7:

Claim 7 recites “wherein said control line carries a control signal which is a direct current (DC) voltage signal comprising a voltage to power said amplifier circuit plus an additional voltage that varies to indicate a desired gain of said amplifier circuit.” In this regard, the final Office Action cites Stewart at paragraph 0033. (Action, p. 5). However that portion of Stewart does not teach, suggest or even mentioned the claimed DC voltage for power an amplifier circuit “plus an additional voltage that varies to indicate a desired gain of said amplifier circuit.” Stewart clearly does not teach or suggest this subject matter.

Claim 9:

Claim 9 recites “wherein said amplifier circuit comprises a voltage controlled amplifier, wherein said amplifier receives power and a voltage controlling a gain of said amplifier over said control line.” As noted above, the TSP taught by Stewart digitizes the signals (Fig. 7, element 58) before *digitally* adjusting gain (Fig. 7, element 60). Therefore, Stewart clearly does not teach or suggest the claimed voltage controlled amplifier of claim 9.

Claim 10:

Claim 10 recites “wherein said amplifier circuit comprises: an attenuator connected to and controlled by said control line; and an amplifier, wherein said attenuator selectively attenuates a signal from said antenna before providing that signal to said amplifier.” In

contrast, as clearly seen if Fig. 7 of Stewart, there is no attenuator, as claimed, that attenuates the signal from the antenna (Fig. 7, element 12) before it's gain is adjusted (Fig. 7, element 60). Rather, Stewart only teaches tuning desired signals from the antenna array (Fig. 7, element 52) and digitizing those tuned signals (Fig. 7, element 56). Thus, Stewart clearly fails to teach or suggest the subject matter of claim 10.

Claim 15:

Claim 15 recites:

wherein:

said exterior television antenna comprises two or more antenna elements differently oriented;

said amplifier circuit further comprises two or more amplifiers connected to respective antenna elements; and

said control line provides independent control signals to said amplifiers to selectively adjust a gain of each of said amplifiers to adjust a polarity of said antenna.

Stewart clearly does not teach or suggest this subject matter.

Claim 16:

Claim 16 recites "wherein said amplifier circuit further comprises a summer for combining signals from said two or more amplifiers." Stewart clearly does not teach or suggest this subject matter.

These are merely some examples of the dependent claims that recite subject matter that is not taught or suggested by Stewart. Many similar examples could be cited.

Claims 17, 33, 46 and 62 were rejected under 35 U.S.C. § 103(a) over the combined teachings of Stewart and U.S. Patent No. 6,069,462 to Flynn. This rejection is respectfully

traversed for at least the reasons given above in favor of the patentability of the various independent claims.

Conclusion:

In view of the foregoing arguments, all claims are believed to be in condition for allowance over the prior art of record. Therefore, this response is believed to be a complete response to the Office Action. However, Applicant reserves the right to set forth further arguments in future papers supporting the patentability of any of the claims, including the separate patentability of the dependent claims not explicitly addressed herein. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed.

The absence of a reply to a specific rejection, issue or comment in the Office Action does not signify agreement with or concession of that rejection, issue or comment. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

If the Examiner has any comments or suggestions which could place this application in better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

If any fees are owed in connection with this paper that have not been elsewhere authorized, authorization is hereby given to charge those fees to Deposit Account 18-0013 in the name of Rader, Fishman & Grauer PLLC.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Steven L. Nichols', written over a horizontal line.

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